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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,143	10/23/2001	Gauthier Barret	Barret-1	8524

7590 11/12/2004
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EXAMINER

ELMORE, REBA I

ART UNIT PAPER NUMBER

2187

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/000,143

Applicant(s)

BARRET ET AL.

Examiner

Reba I. Elmore

Art Unit

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-12 are presented for examination.

Specification

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
3. The objection to the title is *withdrawn* due to the amendment.
4. The objection to the abstract is *maintained* and repeated below. The content of the amendment abstract does not meet the criteria given for the abstract of the disclosure. If at the time of allowance a sufficient abstract has not been presented, the abstract will be amended per MPEP 608.01(b) by the examiner.
5. The abstract of the disclosure is objected to because the content of the abstract is a copy of the originally filed claim 1 and does not meet the requirements for proper content for an abstract. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The objection to the summary of the invention is ***maintained*** and repeated below. The disclosure is objected to because of the following informalities: the summary of the invention should not contain copies of the claims. Applicant is reminded of the proper content for this section of the disclosure. Appropriate correction is required.

Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

7. The objection to the brief description of the drawings for Figure 1 is ***withdrawn*** due to the amendment.

8. The objection to the language ‘very schematically’ appearing on page 5, line 14 is ***withdrawn*** due to the amendment.

9. The objection to the specification is ***maintained*** and repeated below.

10. The specification is also objected to for using claim style language within the detailed description of the disclosure. Applicant is reminded of the proper content for this section of the disclosure. Appropriate correction is required.

Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are

conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

11. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objection

12. Claim 12 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 1 as claim 1 is a method for controlling access to the first memory and claim 12 merely states including means for implementing the access control method. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

35 USC § 102

13. The rejection of claims 1-12 as being anticipated by DeRoo et al. is ***maintained*** and repeated below.

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by DeRoo et al.

16. DeRoo teaches the invention (claim 1) as claimed including a method for controlling the access to all or part of the content of a first memory integrated with a microprocessor (e.g., see Summary of the Invention, col. 2, lines 27-44) with the first memory being an EEPROM, the method comprising:

using a priority-holding interrupt is taught as capturing writes to a protected range of addresses rather than allowing a signal such as a global erasure to take place (e.g., see col. 78, lines 20-36);

using at least one register of keys is taught as a write-once-read-many (WORM) register which is accessed when a cold reboot of the system is performed (e.g., see col. 84, lines 30-47); and,

applying at least one access control algorithm contained in a second auxiliary memory and using the content of at least one integrated storage element and the content of the key register, the content of the auxiliary memory being programmable only once is taught as the algorithms required which allows an update to the firmware at the time of a cold reboot to the system (e.g., see col. 84, line 30 to col. 85, line 13).

As to claim 2, DeRoo teaches at least one sub-program authorizing the execution of a function of access to the first memory is contained in the auxiliary memory (e.g., see 78, line 21 to col. 79, line 21).

As to claim 3, DeRoo teaches the priority-holding interrupt is non-interruptible even by itself as an HUI trap (e.g., see col. 79, lines 23-36).

As to claim 4, DeRoo teaches the priority-holding interrupt is generated provided that a signal (mode) indicative of an access control operating mode is in an active state as an HUI trap which is generated with a global erase is in an active state (e.g., see col. 79, lines 23-36).

As to claim 5, DeRoo teaches the priority holding interrupt can be generated upon occurrence of an interrupt request coming from the outside of the integrated circuit or from the inside as the interrupt being generated either by software or hardware (e.g., see col. 79, lines 23-36).

As to claim 6, DeRoo teaches the first memory is a program memory containing embarked functions with the embarked functions including functions related to resets of the system under different conditions (e.g., see col. 80, lines 21-44).

As to claim 7, DeRoo teaches the storage element is formed by the program memory (e.g., see col. 79, lines 23-36).

17. DeRoo teaches the invention (claim 8) as claimed including a circuit comprising:
a microprocessor integrated with at least a first memory which includes a second auxiliary memory adapted to contain a sub-program enabling authorizing the execution of a function of access to the first memory with the auxiliary memory being programmable only once with the first memory being an EEPROM and the auxiliary memory being a WORM register (e.g., see col. 79, line 23 to col. 85, line 13).

As to claim 9, DeRoo teaches a means for selecting a memory at the input of a memory interface of the microprocessor (e.g., see col. 75, lines 9-47);

the auxiliary memory as a WORM register (e.g., see col. 84, lines 29-47); and,

the first memory, the selection of the first memory otherwise than the execution of a function that it contains, requiring an authorization from an algorithm contained in the auxiliary memory and using the content of at least one integrated storage element and the content of the key register (e.g., see col. 84, line 29 to col. 85, line 13).

As to claim 10, DeRoo teaches the first memory and the storage element are the same program memory (e.g., see col. 75, line 8 to col. 78, line 19).

As to claim 11, DeRoo teaches a means for generating a priority-holding interrupt for executing the sub-program, the generation occurring provided that an HUI trap is needed to prevent a global erase of the protected address range (e.g., see col. 79, lines 23-37);

a signal (mode) indicative of an access-control-operating mode is in an active state with the HUI trap providing a signal mode when the global erase is in an active state (e.g., see col. 79, lines 23-37);

an access to the first memory has been requested otherwise than for a non-interruptible execution of one of the functions that it contains as access to the EEPROM (e.g., see col. 79, lines 23-37); and,

an interrupt signal is active, the resulting priority-holding interrupt being non-interruptible even by itself (e.g., see col. 79, lines 23-37).

As to claim 12, DeRoo teaches a means for implementing access to all or part of a content of the first memory integrated with the microprocessor using a priority-holding interrupt and at least one register of keys and applying at least one access control algorithm of at least one integrated storage element and the content of the key register, the content of the auxiliary memory being programmable only once (e.g., see col. 79, line 23 to col. 85, line 13).

Response to Applicant's Remarks

18. Applicant's arguments filed August 6, 2004 have been fully considered but they are not persuasive.

19. As to the remarks concerning requirements or guidelines for correcting the specification for the use of claim language in other parts of the disclosure outside of the claims, the use of the claim language does not meet the guidelines for proper content in the parts of the specification outside of the claims. Objections have been given and the application will not pass to allowance as long as the objections are maintained. This is not a requirement directed toward the patentability of the claims, however, it is still an insufficiency in the disclosure and is within the purview of the examiner.

20. As to the auxiliary memory being distinct from the first memory, this limitation is being argued to a greater extent than supported by the actual claim language. Also, there is not a requirement in the actual claim language that the auxiliary memory cannot also contain program type content. In a system such as the one taught by DeRoo, there are multiple elements and memories used for providing access control of the various memories. Without the claim language being more specific, this limitation is taught to the extent required by the actual claim language.

Action is made Final

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reba I. Elmore, whose telephone number is (571) 272-4192. The examiner can normally be reached on M-TH from 7:30am to 6:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the art unit supervisor for AU 2187, Donald Sparks, can be reached for general questions concerning this application at (571) 272-4201. Additionally, the official fax phone number for the art unit is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center central telephone number is (571) 272-2100.



Reba I. Elmore
Primary Patent Examiner
Art Unit 2187

November 4, 2004